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5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
6 **STATE OF WASHINGTON**

7 IN THE MATTER OF THE
8 ENFORCEMENT ACTION AGAINST:

PDC CASE NO. 99-075

FINAL ORDER

9 JANET BARRY, SUPERINTENDENT,
10 ISSAQUAH SCHOOL DISTRICT
11 NUMBER 411,

Respondent.

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13 The Washington State Public Disclosure Commission (Commission) conducted an
14 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on April
15 24, 2001.

16 The Commission conducted the hearing to consider the stipulation between the parties
17 as to facts violations and penalty, and to consider whether violations occurred and whether the
18 recommended penalty should be assessed.

19 The Commission held the hearing at Evergreen Plaza Building, Room 206, 711 Capitol
20 Way South, in Olympia, Washington. The Respondent appeared for the hearing through
21 Christopher L. Hirst, Attorney. The Staff appeared through F. Neil Gorrell, Assistant Attorney
22 General.
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1 The Commission heard oral argument. The Commission considered the Report of
2 Investigation, Notice of Administrative Charges and the Stipulation as to Facts, Violations and
3 Penalty.

4 The parties stipulated that the Amended Notice of Administrative Charges issued on
5 April 17, 2001 contained accurate statements of fact. The parties further stipulated that based
6 upon the facts contained within the Amended Notice of Administrative Charges, the
7 Commission would likely find multiple violations of RCW 42.17.130. The parties jointly
8 recommended a proposed penalty of \$3,500.00.

9 Based on this record, THE COMMISSION ACCEPTS THE STIPULATED FACTS,
10 VIOLATIONS AND PENALTY. THE COMMISSION ORDERS that the Respondent has
11 committed multiple violations of RCW 42.17.130.

12 THE COMMISSION FURTHER ASSESSES a total civil penalty of \$3,500.00 against
13 the Respondent. No portion of this penalty may be satisfied with public funds. The
14 Commission suspends \$1,000.00 of this penalty, unless the Respondent is found to have
15 violated any further provision of chapter 42.17 within four years from the date this order is
16 entered.

17 The Respondent shall pay the non-suspended portion of the penalty within 60 days
18 from the date this order is entered.

19 Any party may ask the Commission to reconsider this final order. Parties must place
20 their requests for reconsideration in writing, include the specific grounds or reasons for the
21 request, and deliver the request to the Public Disclosure Commission Offices within 10 days of
22 the date that the Commission serves this order upon the party.

23 Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure
24 Commission is subject to judicial review under the Administrative Procedures Act, chapter
25 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed with

1 the superior court in Thurston County or the petitioner's county of residence or principal place
2 of business. The petition for judicial review must be served on the Public Disclosure
3 Commission and any other parties within 30 days of the date that the Public Disclosure
4 Commission serves this final order on the parties. If reconsideration is properly sought, the
5 petition for judicial review must be served on the Public Disclosure Commission and any other
6 parties within 30 days after the Commission acts on the petition for reconsideration. Pursuant
7 to RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure Commission
8 to reconsider the final order before seeking judicial review by a superior court.

9 The Commission will seek to enforce this final order in superior court under
10 RCW 42.17.395-397, and recover legal costs and attorney's fees, if the penalty remains unpaid
11 and no petition for judicial review has been filed under chapter 34.05 RCW.

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14 DATED THIS 10th day of May, 2001.

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16 FOR THE COMMISSION:

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19 VICKI RIPPIE, Executive Director
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